

Calendar No. 685

105TH CONGRESS
2^D Session

S. 1419

[Report No. 105-361]

A BILL

To deem the activities of the Micosnukce Tribe on the Tamiami Indian Reservation to be consistent with the purposes of the Everglades National Park, and for other purposes.

OCTOBER 2, 1998

Reported with an amendment and an amendment to the title

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 1997

Mr. MACK introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

OCTOBER 2, 1998

Reported by Mr. CAMPBELL, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To deem the activities of the Miccosukee Tribe on the Tamiami Indian Reservation to be consistent with the purposes of the Everglades National Park, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. DEFINITIONS.**

2 In this Act:

3 (1) ~~EVERGLADES NATIONAL PARK; PARK.~~—The
 4 term “Everglades National Park” or “Park” means
 5 the Everglades National Park established under the
 6 Act entitled “An Act to provide for the establish-
 7 ment of the Everglades National Park in the State
 8 of Florida and for other purposes”, approved May
 9 30, 1934 (16 U.S.C. 410 et seq.).

10 (2) ~~MICCOSUKEE TRIBE; TRIBE.~~—The term
 11 “Miccosukee Tribe” or “Tribe” means the
 12 Miccosukee Tribe of Indians of Florida, which is rec-
 13 ognized by the United States and organized under
 14 section 16 of the Act of June 18, 1934 (commonly
 15 referred to as the “Indian Reorganization Act”) (48
 16 Stat. 987, chapter 576; 25 U.S.C. 476).

17 (3) ~~SECRETARY.~~—The term “Secretary” means
 18 the Secretary of the Interior.

19 (4) ~~TAMIAMI INDIAN RESERVATION; RESERVA-~~
 20 ~~TION.~~—The term “Tamiami Indian Reservation” or
 21 “Reservation” means the reservation of the Tribe
 22 that is comprised of the lands described in section
 23 2(e).

24 **SEC. 2. CONSISTENCY WITH PURPOSES OF PARK.**

25 (a) ~~IN GENERAL.~~—The Miccosukee Tribe is granted
 26 the right to occupy, reside in, and govern in perpetuity

1 the Tamiami Indian Reservation as a Federal Indian res-
 2 ervation.

3 (b) ~~AUTHORITY.~~—The Miccosukee Tribe, in occupy-
 4 ing, residing in, and governing the Tamiami Indian Res-
 5 ervation, shall have the same authority that the Tribe
 6 would otherwise have if the land of the Reservation were
 7 held in trust by the Secretary for the use and benefit of
 8 the Tribe, without the issuance of special restrictions by
 9 the Secretary. The provisions of the special use permit
 10 that was issued through the Director of the National Park
 11 Service and that took effect on January 1, 1973, shall be
 12 inapplicable and void.

13 (c) ~~CONSISTENCY.~~—Notwithstanding any other pro-
 14 vision of law, subject to the requirements of this section,
 15 the permanent occupation, residence, and governance of
 16 the Tamiami Indian Reservation by the Miccosukee Tribe
 17 shall be deemed to be consistent with the purposes of the
 18 Everglades National Park under the Act entitled “An Act
 19 to provide for the establishment of the Everglades Na-
 20 tional Park in the State of Florida and for other pur-
 21 poses”, approved May 30, 1934 (16 U.S.C. 410 et seq).

22 (d) ~~DREDGE AND FILL PERMIT.~~—The Chief Engi-
 23 neer of the Army Corps of Engineers shall only approve
 24 an application for a permit for dredging or filling made
 25 by the Tribe under section 404 of the Federal Water Pol-

1 lution Control Act (33 U.S.C. 1344) if the Chief Engineer
 2 determines that the activities of the Tribe will not impair,
 3 with respect to the Everglades of Florida—

4 (1) water quality standards; or

5 (2) patterns of water flow, including the
 6 hydroperiod, that are necessary to achieve the res-
 7 toration and protection of the natural Everglades
 8 ecosystem.

9 (c) DESCRIPTION OF THE TAMAMI INDIAN RES-
 10 ERVATION.—For purposes of this section, the lands of the
 11 Tamiami Indian Reservation comprise the area beginning
 12 at the western boundary of the Everglades National Park
 13 at the west line of section 20, township 54 south, range
 14 35 east; thence east following the northern boundary of
 15 the park in township 54 south, range 35, and 36 east to
 16 a point in section 19, township 54 south, range 36 east,
 17 500 feet west of the existing road known as Seven Mile
 18 Road; thence 1,000 feet south 500 feet from Seven Mile
 19 Road; thence west paralleling the park boundary to the
 20 west line of section 20, township 54 south, range 35 east;
 21 thence north 1,000 feet to the point of beginning.

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “Miccosukee Reserved*
 24 *Area Act”.*

1 **SEC. 2. FINDINGS.**

2 *Congress finds the following:*

3 *(1) Since 1964, the Miccosukee Tribe of Indians*
4 *of Florida have lived and governed their own affairs*
5 *on a strip of land on the northern edge of the Ever-*
6 *glades National Park pursuant to permits from the*
7 *National Park Service and other legal authority. The*
8 *current permit expires in 2014.*

9 *(2) Since the commencement of the Tribe's per-*
10 *mitted use and occupancy of the Special Use Permit*
11 *Area, the Tribe's membership has grown, as have the*
12 *needs and desires of the Tribe and its members for*
13 *modern housing, governmental and administrative fa-*
14 *cilities, schools and cultural amenities, and related*
15 *structures.*

16 *(3) The United States, the State of Florida, the*
17 *Miccosukee Tribe, and the Seminole Tribe of Florida*
18 *are participating in a major intergovernmental effort*
19 *to restore the South Florida ecosystem, including the*
20 *restoration of the environment of the Park.*

21 *(4) The Special Use Permit Area is located with-*
22 *in the northern boundary of the Park, which is criti-*
23 *cal to the protection and restoration of the Ever-*
24 *glades, as well as to the cultural values of the*
25 *Miccosukee Tribe.*

1 (5) *The interests of both the Miccosukee Tribe*
2 *and the United States would be enhanced by a further*
3 *delineation of the rights and obligations of each with*
4 *respect to the Special Use Permit Area and to the*
5 *Park as a whole.*

6 (6) *The amount and location of land allocated to*
7 *the Tribe fulfills the purposes of the Park.*

8 (7) *The use of the Miccosukee Reserved Area by*
9 *the Miccosukee Tribe does not constitute an abandon-*
10 *ment of the Park.*

11 **SEC. 3. PURPOSES.**

12 *The purposes of this Act are as follows:*

13 (1) *To replace the special use permit with a legal*
14 *framework under which the Tribe can live perma-*
15 *nently and govern the Tribe's own affairs in a mod-*
16 *ern community within the Park.*

17 (2) *To protect the Park outside the boundaries of*
18 *the Miccosukee Reserved Area from adverse effects of*
19 *structures or activities within that area, and to sup-*
20 *port restoration of the South Florida ecosystem, in-*
21 *cluding restoring the environment of the Park.*

22 **SEC. 4. DEFINITIONS.**

23 *In this Act:*

1 (1) *ADMINISTRATOR.*—The term “Adminis-
 2 trator” means the Administrator of the Environ-
 3 mental Protection Agency.

4 (2) *EVERGLADES.*—The term “Everglades”
 5 means the areas within the Florida Water Conserva-
 6 tion Areas, Everglades National Park, and Big Cy-
 7 press National Preserve.

8 (3) *FEDERAL AGENCY.*—The term “Federal agen-
 9 cy” means an agency, as that term is defined in sec-
 10 tion 551(1) of title 5, United States Code.

11 (4) *MICCOSUKEE RESERVED AREA; MRA.*—

12 (A) *IN GENERAL.*—The term “Miccosukee
 13 Reserved Area” or “MRA” means, notwithstand-
 14 ing any other provision of law and subject to the
 15 limitations specified in section 6(d) of this Act,
 16 the portion of the Everglades National Park de-
 17 scribed in subparagraph (B) that is depicted on
 18 the map entitled “Miccosukee Reserved Area”
 19 numbered NPS–160/41,038, and dated Septem-
 20 ber 30, 1998, copies of which shall be kept avail-
 21 able for public inspection in the offices of the Na-
 22 tional Park Service, Department of the Interior,
 23 and shall be filed with appropriate officers of
 24 Miami-Dade County and the Miccosukee Tribe of
 25 Indians of Florida.

1 (B) *DESCRIPTION.*—*The description of the*
 2 *lands referred to in subparagraph (A) is as fol-*
 3 *lows: “Beginning at the western boundary of Ev-*
 4 *erglades National Park at the west line of sec.*
 5 *20, T. 54 S., R. 35 E., thence E. following the*
 6 *Northern boundary of said Park in T. 54 S., Rs.*
 7 *35 and 36 E., to a point in sec. 19, T. 54 S.,*
 8 *R. 36 E., 500 feet west of the existing road*
 9 *known as Seven Mile Road, thence 500 feet south*
 10 *from said point, thence west paralleling the Park*
 11 *boundary for 3,200 feet, thence south for 600 feet,*
 12 *thence west, paralleling the Park boundary to the*
 13 *west line of sec. 20, T. 54 S., R. 35 E., thence*
 14 *N. 1,100 feet to the point of beginning.”.*

15 (5) *PARK.*—*The term “Park” means the Ever-*
 16 *glades National Park, including any additions to that*
 17 *Park.*

18 (6) *PERMIT.*—*The term “permit”, unless other-*
 19 *wise specified, means any federally issued permit, li-*
 20 *cence, certificate of public convenience and necessity,*
 21 *or other permission of any kind.*

22 (7) *SECRETARY.*—*The term “Secretary” means*
 23 *the Secretary of the Interior or the designee of the*
 24 *Secretary.*

1 (8) *SOUTH FLORIDA ECOSYSTEM.*—*The term*
 2 *“South Florida ecosystem” has the meaning given*
 3 *that term in section 528(a)(4) of the Water Resources*
 4 *Development Act of 1996 (Public Law 104–303).*

5 (9) *SPECIAL USE PERMIT AREA.*—*The term “spe-*
 6 *cial use permit area” means the area of 333.3 acres*
 7 *on the northern boundary of the Park reserved for the*
 8 *use, occupancy, and governance of the Tribe under a*
 9 *special use permit before the date of enactment of this*
 10 *Act.*

11 (10) *TRIBE.*—*The term “Tribe”, unless otherwise*
 12 *specified, means the Miccosukee Tribe of Indians of*
 13 *Florida, a tribe of American Indians recognized by*
 14 *the United States and organized under section 16 of*
 15 *the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C.*
 16 *476), and recognized by the State of Florida pursuant*
 17 *to chapter 285, Florida Statutes.*

18 (11) *TRIBAL.*—*The term “tribal” means of or*
 19 *pertaining to the Miccosukee Tribe of Indians of Flor-*
 20 *ida.*

21 (12) *TRIBAL CHAIRMAN.*—*The term “tribal*
 22 *chairman” means the duly elected chairman of the*
 23 *Miccosukee Tribe of Indians of Florida, or the des-*
 24 *ignee of that chairman.*

1 **SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE**
 2 **MICCOSUKEE RESERVED AREA.**

3 (a) *SPECIAL USE PERMIT TERMINATED.*—

4 (1) *TERMINATION.*—*The special use permit dated*
 5 *February 1, 1973, issued by the Secretary to the*
 6 *Tribe, and any amendments to that permit, are ter-*
 7 *minated.*

8 (2) *EXPANSION OF SPECIAL USE PERMIT*
 9 *AREA.*—*The geographical area contained in the*
 10 *former special use permit area referred to in para-*
 11 *graph (1) shall be expanded pursuant to this Act and*
 12 *known as the Miccosukee Reserved Area.*

13 (3) *GOVERNANCE OF AFFAIRS IN MICCOSUKEE*
 14 *RESERVED AREA.*—*Subject to the provisions of this*
 15 *Act and other applicable Federal law, the Tribe shall*
 16 *govern its own affairs and otherwise make laws and*
 17 *apply those laws in the MRA as though the MRA*
 18 *were a Federal Indian reservation.*

19 (b) *PERPETUAL USE AND OCCUPANCY.*—*The Tribe*
 20 *shall have the exclusive right to use and develop the MRA*
 21 *in perpetuity in a manner consistent with this Act for pur-*
 22 *poses of the administration, education, housing, and cul-*
 23 *tural activities of the Tribe, including commercial services*
 24 *necessary to support those purposes.*

25 (c) *INDIAN COUNTRY STATUS.*—*The MRA shall be—*

1 (1) *considered to be Indian country (as that*
 2 *term is defined in section 1151 of title 18, United*
 3 *States Code); and*

4 (2) *treated as a federally recognized Indian res-*
 5 *ervation solely for purposes of—*

6 (A) *determining the authority of the Tribe*
 7 *to govern its own affairs and otherwise make*
 8 *laws and apply those laws within the MRA; and*

9 (B) *the eligibility of the Tribe and its mem-*
 10 *bers for any Federal health, education, employ-*
 11 *ment, economic assistance, revenue sharing, or*
 12 *social welfare programs, or any other similar*
 13 *Federal program for which Indians are eligible*
 14 *because of their—*

15 (i) *status as Indians; and*

16 (ii) *residence on or near an Indian*
 17 *reservation.*

18 (d) *EXCLUSIVE FEDERAL JURISDICTION PRE-*
 19 *SERVED.—The exclusive Federal legislative jurisdiction as*
 20 *applied to the MRA as in effect on the date of enactment*
 21 *of this Act shall be preserved. The Act of August 15, 1953,*
 22 *67 Stat. 588, chapter 505 and the amendments made by*
 23 *that Act, including section 1162 of title 18, United States*
 24 *Code, as added by that Act and section 1360 of title 28,*

1 *United States Code, as added by that Act, shall not apply*
 2 *with respect to the MRA.*

3 *(e) OTHER RIGHTS PRESERVED.—Nothing in this Act*
 4 *shall affect any rights of the Tribe under Federal law, in-*
 5 *cluding the right to use other lands or waters within the*
 6 *Park for other purposes, including, fishing, boating, hiking,*
 7 *camping, cultural activities, or religious observances.*

8 **SEC. 6. PROTECTION OF EVERGLADES NATIONAL PARK.**

9 *(a) ENVIRONMENTAL PROTECTION AND ACCESS RE-*
 10 *QUIREMENTS.—*

11 *(1) IN GENERAL.—The MRA shall remain with-*
 12 *in the boundaries of the Park and be a part of the*
 13 *Park in a manner consistent with this Act.*

14 *(2) COMPLIANCE WITH APPLICABLE LAWS.—The*
 15 *Tribe shall be responsible for compliance with all ap-*
 16 *plicable laws, except as specifically exempted by this*
 17 *Act.*

18 *(3) PREVENTION OF DEGRADATION; ABATE-*
 19 *MENT.—*

20 *(A) PREVENTION OF DEGRADATION.—The*
 21 *Tribe shall prevent and abate any significant*
 22 *degradation of the quality of surface or ground-*
 23 *water that is released into other parts of the*
 24 *Park, as follows:*

1 (i) *With respect to water entering the*
 2 *MRA which fails to meet applicable water*
 3 *quality standards approved by the Adminis-*
 4 *trator under the Federal Water Pollution*
 5 *Control Act (33 U.S.C. 1251 et seq.), ac-*
 6 *tions of the Tribe shall not further degrade*
 7 *water quality. The Tribe shall not be re-*
 8 *sponsible for improving the water quality.*

9 (ii) *With respect to water entering the*
 10 *MRA which meets applicable water quality*
 11 *standards approved by the Administrator*
 12 *under the Federal Water Pollution Control*
 13 *Act (33 U.S.C. 1251 et seq.), the Tribe shall*
 14 *not cause the water to fail to comply with*
 15 *applicable water quality standards.*

16 (B) *PREVENTION AND ABATEMENT.—The*
 17 *Tribe shall prevent and abate any significant*
 18 *disruption of the restoration or preservation of*
 19 *the quantity, timing, or distribution of surface*
 20 *or groundwater that would enter the MRA and*
 21 *flow, directly or indirectly, into other parts of*
 22 *the Park, but only to the extent that such disrup-*
 23 *tion is caused by conditions, activities, or struc-*
 24 *tures within the MRA.*

1 (C) *PREVENTION OF SIGNIFICANT PROPAGA-*
 2 *TION OF EXOTIC PLANTS AND ANIMALS.—The*
 3 *Tribe shall prevent significant propagation of ex-*
 4 *otic plants or animals outside the MRA that*
 5 *may otherwise be caused by conditions, activi-*
 6 *ties, or structures within the MRA.*

7 (D) *PUBLIC ACCESS TO CERTAIN AREAS OF*
 8 *THE PARK.—The Tribe shall not impede public*
 9 *access to those areas of the Park outside the*
 10 *boundaries of the MRA, and to and from the Big*
 11 *Cypress National Preserve, except that the Tribe*
 12 *shall not be required to allow individuals who*
 13 *are not members of the Tribe access to the MRA*
 14 *other than Federal employees, agents, officers,*
 15 *and officials (as provided in this Act).*

16 (E) *PREVENTION OF SIGNIFICANT CUMU-*
 17 *LATIVE ADVERSE ENVIRONMENTAL IMPACTS.—*

18 (i) *IN GENERAL.—The Tribe shall pre-*
 19 *vent and abate any significant cumulative*
 20 *adverse environmental impact on the Park*
 21 *outside the MRA resulting from develop-*
 22 *ment or other activities within the MRA.*

23 (ii) *PROCEDURES.—Not later than 12*
 24 *months after the date of enactment of this*
 25 *Act, the Tribe shall develop, publish, and*

1 *implement procedures that shall ensure ade-*
 2 *quate public notice and opportunity to com-*
 3 *ment on major tribal actions within the*
 4 *MRA that may contribute to a significant*
 5 *cumulative adverse impact on the Ever-*
 6 *glades ecosystem.*

7 *(iii) WRITTEN NOTICE.—The proce-*
 8 *dures in clause (ii) shall include timely*
 9 *written notice to the Secretary and consid-*
 10 *eration of the Secretary's comments.*

11 *(F) WATER QUALITY STANDARDS.—*

12 *(i) IN GENERAL.—Not later than 12*
 13 *months after the date of enactment of this*
 14 *Act, the Tribe shall adopt and comply with*
 15 *water quality standards within the MRA*
 16 *that are at least as protective as the water*
 17 *quality standards for the area encompassed*
 18 *by Everglades National Park approved by*
 19 *the Administrator under the Federal Water*
 20 *Pollution Control Act (33 U.S.C. 1251 et*
 21 *seq.).*

22 *(ii) TRIBAL WATER QUALITY STAND-*
 23 *ARDS.—The Tribe may not adopt water*
 24 *quality standards for the MRA under clause*
 25 *(i) that are more restrictive than the water*

1 *quality standards adopted by the Tribe for*
2 *contiguous reservation lands that are not*
3 *within the Park.*

4 *(iii) EFFECT OF FAILURE TO ADOPT*
5 *OR PRESCRIBE STANDARDS.—In the event*
6 *the Tribe fails to adopt water quality stand-*
7 *ards referred to in clause (i), the water*
8 *quality standards applicable to the Ever-*
9 *glades National Park, approved by the Ad-*
10 *ministrator under the Federal Water Pollu-*
11 *tion Control Act (33 U.S.C. 1251 et seq.),*
12 *shall be deemed to apply by operation of*
13 *Federal law to the MRA until such time as*
14 *the Tribe adopts water quality standards*
15 *that meet the requirements of this subpara-*
16 *graph.*

17 *(iv) MODIFICATION OF STANDARDS.—*
18 *If, after the date of enactment of this Act,*
19 *the standards referred to in clause (iii) are*
20 *revised, not later than 1 year after those*
21 *standards are revised, the Tribe shall make*
22 *such revisions to water quality standards of*
23 *the Tribe as are necessary to ensure that*
24 *those water quality standards are at least*

as protective as the revised water quality standards approved by the Administrator.

(v) *EFFECT OF FAILURE TO MODIFY WATER QUALITY STANDARDS.*—If the Tribe fails to revise water quality standards in accordance with clause (iv), the revised water quality standards applicable to the Everglades Park, approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) shall be deemed to apply by operation of Federal law to the MRA until such time as the Tribe adopts water quality standards that are at least as protective as the revised water quality standards approved by the Administrator.

(G) *NATURAL EASEMENTS.*—The Tribe shall not engage in any construction, development, or improvement in any area that is designated as a natural easement.

(b) *HEIGHT RESTRICTIONS.*—

(1) *RESTRICTIONS.*—Except as provided in paragraphs (2) through (4), no structure constructed within the MRA shall exceed the height of 45 feet or exceed 2 stories, except that a structure within the

1 *Miccosukee Government Center, as shown on the map*
 2 *referred to in section 4(4), shall not exceed the height*
 3 *of 70 feet.*

4 (2) *EXCEPTIONS.—The following types of struc-*
 5 *tures are exempt from the restrictions of this section*
 6 *to the extent necessary for the health, safety, or wel-*
 7 *fare of the tribal members, and for the utility of the*
 8 *structures:*

9 (A) *Water towers or standpipes.*

10 (B) *Radio towers.*

11 (C) *Utility lines.*

12 (3) *WAIVER.—The Secretary may waive the re-*
 13 *strictions of this subsection if the Secretary finds that*
 14 *the needs of the Tribe for the structure that is taller*
 15 *than structure allowed under the restrictions would*
 16 *outweigh the adverse effects to the Park or its visitors.*

17 (4) *GRANDFATHER CLAUSE.—Any structure ap-*
 18 *proved by the Secretary before the date of enactment*
 19 *of this Act, and for which construction commences not*
 20 *later than 12 months after the date of enactment of*
 21 *this Act, shall not be subject to the provisions of this*
 22 *subsection.*

23 (5) *MEASUREMENT.—The heights specified in*
 24 *this subsection shall be measured from mean sea level.*

25 (c) *OTHER CONDITIONS.—*

1 (1) *GAMING.*—No class II or class III gaming
 2 (as those terms are defined in section 4 (7) and (8)
 3 of the Indian Gaming Regulatory Act (25 U.S.C.
 4 2703 (7) and (8)) shall be conducted within the MRA.

5 (2) *AVIATION.*—

6 (A) *IN GENERAL.*—No commercial aviation
 7 may be conducted from or to the MRA.

8 (B) *EMERGENCY OPERATORS.*—Takeoffs
 9 and landings of aircraft shall be allowed for
 10 emergency operations and administrative use by
 11 the Tribe or the United States, including re-
 12 source management and law enforcement.

13 (C) *STATE AGENCIES AND OFFICIALS.*—The
 14 Tribe may permit the State of Florida, as agen-
 15 cies or municipalities of the State of Florida to
 16 provide for takeoffs or landings of aircraft on the
 17 MRA for emergency operations or administrative
 18 purposes.

19 (3) *VISUAL QUALITY.*—

20 (A) *IN GENERAL.*—In the planning, use,
 21 and development of the MRA by the Tribe, the
 22 Tribe shall consider the quality of the visual ex-
 23 perience from the Shark River Valley visitor use
 24 area, including limitations on the height and lo-
 25 cations of billboards or other commercial signs or

1 *other advertisements visible from the Shark Val-*
 2 *ley visitor center, tram road, or observation*
 3 *tower.*

4 (B) *EXEMPTION OF MARKINGS.—The Tribe*
 5 *may exempt markings on a water tower or*
 6 *standpipe that merely identify the Tribe.*

7 (d) *EASEMENTS AND RANGER STATION.—Notwith-*
 8 *standing any other provision of this Act, the following pro-*
 9 *visions shall apply:*

10 (1) *NATURAL EASEMENTS.—*

11 (A) *IN GENERAL.—The use and occupancy*
 12 *of the MRA by the Tribe shall be perpetually*
 13 *subject to natural easements on parcels of land*
 14 *that are—*

15 (i) *bounded on the north and south by*
 16 *the boundaries of the MRA, specified in the*
 17 *legal description under section 4(4); and*

18 (ii) *bounded on the east and west by*
 19 *boundaries that run perpendicular to the*
 20 *northern and southern boundaries of the*
 21 *MRA, as provided in the description under*
 22 *subparagraph (B).*

23 (B) *DESCRIPTION.—The description re-*
 24 *ferred to in subparagraph (A)(ii) is as follows:*

1 (i) *Easement number 1, being 445 feet*
2 *wide with western boundary 525 feet, and*
3 *eastern boundary 970 feet, east of the west-*
4 *ern boundary of the MRA.*

5 (ii) *Easement number 2, being 443 feet*
6 *wide with western boundary 3,637 feet, and*
7 *eastern boundary 4,080 feet, east of the*
8 *western boundary of the MRA.*

9 (iii) *Easement number 3, being 320*
10 *feet wide with western boundary 5,380 feet,*
11 *and eastern boundary 5,700 feet, east of the*
12 *western boundary of the MRA.*

13 (iv) *Easement number 4, being 290 feet*
14 *wide with western boundary 6,020 feet, and*
15 *eastern boundary 6,310 feet, east of the*
16 *western boundary of the MRA.*

17 (v) *Easement number 5, being 290 feet*
18 *wide with western boundary 8,170 feet, and*
19 *eastern boundary 8,460 feet, east of the*
20 *western boundary of the MRA.*

21 (vi) *Easement number 6, being 312 feet*
22 *wide with western boundary 8,920 feet, and*
23 *eastern boundary 9,232 feet, east of the*
24 *western boundary of the MRA.*

1 (2) *EXTENT OF EASEMENTS.*—*The aggregate ex-*
 2 *tent of the east-west parcels of lands subject to ease-*
 3 *ments under paragraph (1) shall not exceed 2,100 lin-*
 4 *ear feet, as depicted on the map referred to in section*
 5 *4(4).*

6 (3) *USE OF EASEMENTS.*—*At the discretion of*
 7 *the Secretary, the Secretary may use the natural ease-*
 8 *ments specified in paragraph (1) to fulfill a*
 9 *hydrological or other environmental objective of the*
 10 *Everglades National Park.*

11 (4) *ADDITIONAL REQUIREMENTS.*—*In addition*
 12 *to providing for the easements specified in paragraph*
 13 *(1), the Tribe shall not impair or impede the contin-*
 14 *ued function of the water control structures des-*
 15 *ignated as “S-12A” and “S-12B”, located north of*
 16 *the MRA on the Tamiami Trail and any existing*
 17 *water flow ways under the Old Tamiami Trail.*

18 (5) *USE BY DEPARTMENT OF THE INTERIOR.*—
 19 *The Department of the Interior shall have a right, in*
 20 *perpetuity, to use and occupy, and to have vehicular*
 21 *and airboat access to, the Tamiami Ranger Station*
 22 *identified on the map referred to in section 4(4), ex-*
 23 *cept that the pad on which such station is constructed*
 24 *shall not be increased in size without the consent of*
 25 *the Tribe.*

1 **SEC. 7. IMPLEMENTATION PROCESS.**

2 (a) *GOVERNMENT-TO-GOVERNMENT AGREEMENTS.*—

3 *The Secretary and the tribal chairman shall make reason-*
 4 *able, good faith efforts to implement the requirements of this*
 5 *Act. Those efforts may include government-to-government*
 6 *consultations, and the development of standards of perform-*
 7 *ance and monitoring protocols.*

8 (b) *FEDERAL MEDIATION AND CONCILIATION SERV-*

9 *ICE.*—*If the Secretary and the tribal chairman concur that*
 10 *they cannot reach agreement on any significant issue relat-*
 11 *ing to the implementation of the requirements of this Act,*
 12 *the Secretary and the tribal chairman may jointly request*
 13 *that the Federal Mediation and Conciliation Service assist*
 14 *them in reaching a satisfactory agreement.*

15 (c) *60-DAY TIME LIMIT.*—*The Federal Mediation and*

16 *Conciliation Service may conduct mediation or other non-*
 17 *binding dispute resolution activities for a period not to ex-*
 18 *ceed 60 days beginning on the date on which the Federal*
 19 *Mediation and Conciliation Service receives the request for*
 20 *assistance, unless the Secretary and the tribal chairman*
 21 *agree to an extension of period of time.*

22 (d) *OTHER RIGHTS PRESERVED.*—*The facilitated dis-*

23 *pute resolution specified in this section shall not prejudice*
 24 *any right of the parties to—*

25 (1) *commence an action in a court of the United*
 26 *States at any time; or*

1 (2) *any other resolution process that is not pro-*
 2 *hibited by law.*

3 **SEC. 8. MISCELLANEOUS.**

4 (a) *NO GENERAL APPLICABILITY.*—*Nothing in this*
 5 *Act creates any right, interest, privilege, or immunity af-*
 6 *fecting any other Tribe or any other park or Federal lands.*

7 (b) *NONINTERFERENCE WITH FEDERAL AGENTS.*—

8 (1) *IN GENERAL.*—*Federal employees, agents, of-*
 9 *ficers, and officials shall have a right of access to the*
 10 *MRA—*

11 (A) *to monitor compliance with the provi-*
 12 *sions of this Act; and*

13 (B) *for other purposes, as though it were a*
 14 *Federal Indian reservation.*

15 (2) *STATUTORY CONSTRUCTION.*—*Nothing in this*
 16 *Act shall authorize the Tribe or members or agents of*
 17 *the Tribe to interfere with any Federal employee,*
 18 *agent, officer, or official in the performance of official*
 19 *duties (whether within or outside the boundaries of*
 20 *the MRA) except that nothing in this paragraph may*
 21 *prejudice any right under the Constitution of the*
 22 *United States.*

23 (c) *FEDERAL PERMITS.*—

1 (1) *IN GENERAL.*—No Federal permit shall be
 2 issued to the Tribe for any activity or structure that
 3 would be inconsistent with this Act.

4 (2) *CONSULTATIONS.*—Any Federal agency con-
 5 sidering an application for a permit for construction
 6 or activities on the MRA shall consult with, and con-
 7 sider the advice, evidence, and recommendations of
 8 the Secretary before issuing a final decision.

9 (3) *RULE OF CONSTRUCTION.*—Except as other-
 10 wise specifically provided in this Act, nothing in this
 11 Act supersedes any requirement of any other applica-
 12 ble Federal law.

13 (d) *VOLUNTEER PROGRAMS AND TRIBAL INVOLVE-*
 14 *MENT.*—The Secretary may establish programs that foster
 15 greater involvement by the Tribe with respect to the Park.
 16 Those efforts may include internships and volunteer pro-
 17 grams with tribal schoolchildren and with adult tribal
 18 members.

19 (e) *SAVING ECOSYSTEM RESTORATION.*—

20 (1) *IN GENERAL.*—Nothing in this Act shall be
 21 construed to amend or prejudice the authority of the
 22 United States to design, construct, fund, operate, per-
 23 mit, remove, or degrade canals, levees, pumps, im-
 24 poundments, wetlands, flow ways, or other facilities,
 25 structures, or systems, for the restoration or protec-

tion of the South Florida ecosystem pursuant to Federal laws.

(2) *USE OF NONEASEMENT LANDS.*—

(A) *IN GENERAL.*—The Secretary may use all or any part of the MRA lands to the extent necessary to restore or preserve the quality, quantity, timing, or distribution of surface or groundwater, if other reasonable alternative measures to achieve the same purpose are impractical.

(B) *SECRETARIAL AUTHORITY.*—The Secretary may use lands referred to in subparagraph (A) either under an agreement with the tribal chairman or upon an order of the United States district court for the district in which the MRA is located, upon petition by the Secretary and finding by the court that—

(i) the proposed actions of the Secretary are necessary; and

(ii) other reasonable alternative measures are impractical.

(3) *COSTS.*—

(A) *IN GENERAL.*—In the event the Secretary exercises the authority granted the Secretary under paragraph (2), the United States

1 *shall be liable to the Tribe or the members of the*
 2 *Tribe for—*

3 *(i) cost of modification, removal, relo-*
 4 *cation, or reconstruction of structures law-*
 5 *fully erected in good faith on the MRA; and*

6 *(ii) loss of use of the affected land*
 7 *within the MRA.*

8 *(B) PAYMENT OF COMPENSATION.—Any*
 9 *compensation paid under subparagraph (A)*
 10 *shall be paid as cash payments with respect to*
 11 *taking structures and other fixtures and in the*
 12 *form of rights to occupy similar land adjacent to*
 13 *the MRA with respect to taking land.*

14 *(4) RULE OF CONSTRUCTION.—Paragraphs (2)*
 15 *and (3) shall not apply to a natural easement de-*
 16 *scribed in section 6(d)(1).*

17 *(f) PARTIES HELD HARMLESS.—*

18 *(1) UNITED STATES HELD HARMLESS.—*

19 *(A) IN GENERAL.—Subject to subparagraph*
 20 *(B) with respect to any tribal member, tribal*
 21 *employee, tribal contractor, tribal enterprise, or*
 22 *any person residing within the MRA, notwith-*
 23 *standing any other provision of law, the United*
 24 *States (including an officer, agent, or employee*
 25 *of the United States), shall not be liable for any*

1 *action or failure to act by the Tribe (including*
 2 *an officer, employee, or member of the Tribe), in-*
 3 *cluding any failure to perform any of the obliga-*
 4 *tions of the Tribe under this Act.*

5 (B) *RULE OF CONSTRUCTION.*—*Nothing in*
 6 *this paragraph shall be construed to alter any li-*
 7 *ability or other obligation that the United States*
 8 *may have under the Indian Self-Determination*
 9 *and Education Assistance Act (25 U.S.C. 450 et*
 10 *seq.).*

11 (2) *TRIBE HELD HARMLESS.*—*Notwithstanding*
 12 *any other provision of law, the Tribe and the mem-*
 13 *bers of the Tribe shall not be liable for any injury,*
 14 *loss, damage, or harm that—*

15 (A) *occurs with respect to the MRA; and*

16 (B) *is caused by an action or failure to act*
 17 *by the United States, or the officer, agent, or em-*
 18 *ployee of the United States (including the failure*
 19 *to perform any obligation of the United States*
 20 *under this Act).*

21 (g) *COOPERATIVE AGREEMENTS.*—*Nothing in this Act*
 22 *shall alter the authority of the Secretary and the Tribe to*
 23 *enter into any cooperative agreement, including any agree-*
 24 *ment concerning law enforcement, emergency response, or*
 25 *resource management.*

1 (h) *WATER RIGHTS.*—*Nothing in this Act shall en-*
 2 *hance or diminish any water rights of the Tribe, or mem-*
 3 *bers of the Tribe, or the United States (with respect to the*
 4 *Park).*

5 (i) *ENFORCEMENT.*—

6 (1) *ACTIONS BROUGHT BY ATTORNEY GEN-*
 7 *ERAL.*—*The Attorney General may bring a civil ac-*
 8 *tion in the United States district court for the district*
 9 *in which the MRA is located, to enjoin the Tribe from*
 10 *violating any provision of this Act.*

11 (2) *ACTION BROUGHT BY TRIBE.*—*The Tribe*
 12 *may bring a civil action in the United States district*
 13 *court for the district in which the MRA is located to*
 14 *enjoin the United States from violating any provision*
 15 *of this Act.*

Amend the title so as to read: “A bill to deem the activities of the Miccosukee Tribe on the Miccosukee Reserved Area to be consistent with the purposes of the Everglades National Park, and for other purposes.”.